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Steven Paul Hasmanis

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EXAMINER

SING, SIMON P

ART UNIT

PAPER NUMBER

2614

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/631,076

Applicant(s)

HASMANIS ET AL.

Examiner

Simon Sing

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3, 5-10, 12-14 and 16-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Sartain et al. US 5,914,712 in view of Lewis et al. US 4,852,154.

1.1 Regarding claim 1, Sartain discloses an interactive video system (cable TV, column 4, lines 44-65) comprising:

a switch (a telephone system inherently comprising a switch) for receiving calls, including the caller's number (column 5, lines 1-6) and the called number (column 2, lines 49-56);

an automatic voice response unit 600 (figure 5) for providing recorded voice response with multiple applications (column 3, lines 29-34, 58-64; column 9, lines 42-46; column 10, lines 8-15);

a data storage component configured with customer information and event information, the customer information including account information (column 4, lines 26-28; column 5, lines 1-6, 11-22) and the event information including a cable television event title (column 4, lines 6-18; column 10, lines 32-40);

a temporary data container (log) for storing customer data received for use in call processing (column 4, lines 22-26);

wherein the system is configured to retrieve the customer data based on an identification number (column 4, lines 22-26) or calling telephone number (column 5, lines 1-6) and store the customer data in the log for use in subsequent call process applications (column 4, lines 22-28; column 5, lines 1-6, 11-22).

Sartain teaches providing different telephone numbers for different television programs, in that each television program is associated with a unique telephone number (column 3, lines 17-20), but fails to explicitly teach that each program has its (exclusively) own telephone number.

However, it is obvious that when a promotional activity (which has its own 1-800 or 1-900 number) may only have only one event (such a heavy weight title boxing match) at a given time, then the event (boxing match) inherently has its own number. In addition, each pay per view television program has its uniquely own telephone number is old and well known in the art. A prior art by Lewis, discloses a pay-per-view cable television (CATV) system in figure 1, comprising a switch 18 for receiving a calling telephone and a called telephone number (column 3, lines 40-53; column 4, lines 24-35; column 5, lines 44-58), a computer 30 for storing customer and television events information (column 6, lines 33-35; column 3, lines 40-53), a voice response unit (VRU) 36 for interacting with customers (column 6, lines 48-59). Lewis teaches that each called telephone number uniquely identifies a selected television event (Abstract; column 3, lines 40-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sartain's reference with the teaching of Lewis, so that a cable television's program, such as a promotional event, would have its own number for ordering, because, because such modification would have eliminated the selecting step to reduce ordering complexity.

1.2 Regarding claim 2, the modified Sartain's system is for pay-per-view movie or other television special events (Sartain, column 5, lines 1-22; Lewis, Abstract).

1.3 Regarding claim 3, Sartain teaches different application for different television programs on the voice response unit (column 3, lines 29-34).

1.4 Regarding claim 5, Sartain teaches multiple calling numbers for multiple programs which inherently has a number table for processing incoming calls based on the called number.

1.5 Regarding claim 6, Sartain teaches that the calling number and the called number are stored in the log (column 4, lines 22-28).

1.6 Regarding claim 7, it is inherent that various data are transmitted between the switch and the voice response unit, such as prompts and billing information.

Art Unit: 2614

1.7 Regarding claim 8, an examiner notice is served that it is well known in the art that there is a live operator connected to an automated system in order to solve problems encountered by the automated system.

1.8 Regarding claim 9, Sartain teaches retrieving a customer's data before processing ordering (column 5, lines 1-22).

1.9 Regarding claim 10, Sartain teaches that the customer's data includes credit data (column 5, lines 1-22).

1.10 Regarding claim 12, the modified Sartain reference, teaches that the voice response unit includes a called number pay-per-view (PPV) based application (column 3, lines 17-20), a menu based PPV application (column 3, lines 29-34) and a call routing functions for retrieving a customers data (column 4, lines 22-28).

1.11 Regarding claim 13, the modified Sartain reference teaches multiple telephone numbers, each for a television program (event), and Sartain teaches that each PPV program has its own prompt for processing orders (column 3, lines 29-34).

1.12 Regarding claim 14, Sartain discloses a method for television programs (events) ordering, comprising steps or:

receiving a call at a switch (a telephone system inherently comprising a switch)  
column (column 2, lines 49-56);

obtaining the caller's number (column 5, lines 1-6) and the called number  
(column 2, lines 49-56);

retrieving customer data from a database based on the calling number (column  
5, lines 1-6);

storing the retrieved customer data in a log (temporary storage) (column 4, lines  
22-28); and

running an automatic voice response application for cable television program  
ordering (column 3, lines 29-34; column 9, lines 42-46; column 10, lines 8-15).

Sartain teaches providing different telephone numbers for different television  
programs, in that each television program is associated with a unique telephone number  
(column 3, lines 17-20), but fails to explicitly teach that each program has its  
(exclusively) own telephone number.

However, it is obvious that when a promotional activity (which has its own 1-800  
or 1-900 number) may only have only one event (such a heavy weight title boxing  
match) at a given time, then the event (boxing match) inherently has its own number. In  
addition, each pay per view television program has its uniquely own telephone number  
is old and well known in the art. A prior art by Lewis, discloses a pay-per-view cable  
television (CATV) system in figure 1, comprising a switch 18 for receiving a calling  
telephone and a called telephone number (column 3, lines 40-53; column 4, lines 24-35;  
column 5, lines 44-58), a computer 30 for storing customer and television events

Art Unit: 2614

information (column 6, lines 33-35; column 3, lines 40-53), a voice response unit (VRU) 36 for interacting with customers (column 6, lines 48-59). Lewis teaches that each called telephone number uniquely identifies a selected television event (Abstract; column 3, lines 40-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sartain's reference with the teaching of Lewis, so that a cable television's program, such as a promotional event, would have its own number for ordering, because, because such modification would have eliminated the selecting step to reduce ordering complexity.

1.13 Regarding claim 16, as discussed in claim 14, the modified Sartain's reference, teaches using the called number to retrieve its associated event.

1.14 Regarding claim 17, Sartain discloses a method for television programs (events) ordering, comprising steps or:

receiving a call at a switch (a telephone system inherently comprising a switch) column (column 2, lines 49-56);

obtaining the caller's number (column 5, lines 1-6) and the called number (column 2, lines 49-56);

retrieving customer data from a database based on the calling number (column 5, lines 1-6);



storing the retrieved customer data in a log (temporary storage) (column 4, lines 22-28);

determining which call control transfer process to run based on the called number (column 3, lines 34-40); and

starting an interactive voice response application for cable television program ordering based on the called number (column 3, lines 29-40; column 9, lines 42-46; column 10, lines 8-15).

Sartain teaches providing different telephone numbers for different television programs, in that each television program is associated with a unique telephone number (column 3, lines 17-20), but fails to explicitly teach that each program has its (exclusively) own telephone number.

However, it is obvious that when a promotional activity (which has its own 1-800 or 1-900 number) may only have only one event (such a heavy weight title boxing match) at a given time, then the event (boxing match) inherently has its own number. In addition, each pay per view television program has its uniquely own telephone number is old and well known in the art. A prior art by Lewis, discloses a pay-per-view cable television (CATV) system in figure 1, comprising a switch 18 for receiving a calling telephone and a called telephone number (column 3, lines 40-53; column 4, lines 24-35; column 5, lines 44-58), a computer 30 for storing customer and television events information (column 6, lines 33-35; column 3, lines 40-53), a voice response unit (VRU) 36 for interacting with customers (column 6, lines 48-59). Lewis teaches that each

Art Unit: 2614

called telephone number uniquely identifies a selected television event (Abstract; column 3, lines 40-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sartain's reference with the teaching of Lewis, so that a cable television's program, such as a promotional event, would have its own number for ordering, because, because such modification would have eliminated the selecting step to reduce ordering complexity.

1.15 Regarding claim 18, Sartain teaches transferring the called number and customer account data to a voice response unit (column 3, lines 34-40; column 5, lines 1-22).

1.16 Regarding claim 19, Sartain teaches cable television program ordering is processed according to the information stored in a log (column 4, lines 22-28).

1.17 Regarding claim 20, Sartain further teaches validating a customer (column 5, lines 8-11).

2. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sartain et al. US 5,914,712 in view of Lewis et al. US 4,852,154 and further in view of Hendricks et al US 6,160,989.

The modified Sartain reference, teaches cable television a event ordering system, but fails to teach referring a customer to a live agent in case the customer has bad credit.

However, Hendricks discloses cable TV delivery system. Hendricks teaches that if a subscriber's account is delinquent (bad credit), any order of new program or channels is denied, and then the subscriber is referred to a live operator (agent) (column 33, lines 3-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sartain's reference, which was modified by Lewis, with the teaching of Hendricks, so that orders from customers with bad credits would have been denied, and the customers would have been referred to a live operator for resolving payment questions, because such modification would have allowed the live operator to resolve payment issue with the customer.

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sartain et al. US 5,914,712 in view of Lewis et al. US 4,852,154 and further in view of Stoel et al. US 5,905,942.

The modified Sartain's reference, Sartain further teaches using a customer number (PIN) to identify a customer (column 5, lines 8-11), but fails to teach that the PIN includes a rating.

However, Stoel teaches a method for video distribution. Stoel teaches that a subscriber is required to enter PIN for PIN based rating of movies or PPV events (column 5, lines 41-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sartain's reference with the teaching of Stoel, so that the PIN would have included rating information, because such modification would have prevented minors to order adult programs.

#### ***Response to Arguments***

4. Applicant's arguments filed on 02/09/2006 have been fully considered but they are not persuasive.

The applicants argues that Sartain does not teach or suggest that each TV program is has its own called number, and Lewis does not teach an interactive voice response unit.

As for the own called number, it is obvious that when a promotional activity (which has its own 1-800 or 1-900 number) may only have only one event at a given time, then the event inherently has its own called number. In addition, each pay-per-view television program has its uniquely own telephone number was old and well known in the art, and Lewis disclosed this limitation back in 1986. And as for the interactive voice response unit, Sartain already teaches this limitation and there is no need for Lewis to have an interactive voice response unit.

Art Unit: 2614

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Walker US 6,209,028 discloses a system and method for ordering cable TV program (column 5, lines 3-7) using an interactive voice response unit (IVRU) 12, and each TV program has its own 1-900 number (column 6, lines 22-27, 54-59; column 8, lines 11-13).

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

04/28/2006



FAN TSANG  
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